

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CINDY CONAHAN,

Plaintiff,

- against -

MEDQUEST, LTD., LESLIE INZUNZA, and
ELLIOT STONE

Defendants.

20-CV-1325

PROPOSED VERDICT FORM

MEDQUEST, LTD., LESLIE INZUNZA, and
ELLIOT STONE,

Counterclaim-Plaintiffs,

- against -

CINDY CONAHAN

Counterclaim-Defendant.

The parties, plaintiff CINDY CONAHAN (“Plaintiff”), by her attorneys, KRAKOWER DICHARA LLC, and defendants MEDQUEST, LTD. (“MedQuest”), LESLIE INZUNZA (“Inzunza”), AND ELLIOT STONE (“Stone”)(collectively “Defendants”), by their attorneys, BOND, SCHOENECK, & KING as for their proposed Verdict Form as follows. The Parties reserve the right to modify or supplement this form on the basis of the evidence presented at trial.

INSTRUCTIONS: Please follow the directions provided throughout this Jury Verdict Form. Please refer to the Jury Instructions for guidance on the law applicable to each question.

Defendants request the following verdict form in lieu of the verdict form below proposed by the Plaintiff:

COUNT I – BREACH OF FIDUCIARY DUTY

1. Did Defendants prove by a preponderance of evidence the existence of a fiduciary relationship?

You must answer YES or NO.

Yes (for Defendants) _____ No (for Plaintiff) _____

If you answered YES to Question 1, proceed to Question 2. If you answered NO to Question 1, skip to signature page.

2. Did Defendants prove by a preponderance of evidence of misappropriation of funds by the Plaintiff while employed by Defendant MedQuest?

You must answer YES or NO.

Yes (for Defendants) _____ No (for Plaintiff) _____

If you answered YES to Question 2, proceed to Question 3. If you answered NO to Question 2, skip to signature page.

3. Did Defendants prove by a preponderance of evidence that Plaintiff breached her fiduciary duty while employed by Defendant MedQuest?

You must answer YES or NO.

Yes (for Defendants) _____ No (for Plaintiff) _____

If you answered YES to Question 3, proceed to Question 4. If you answered NO to Question 4, skip to signature page.

4. Did Plaintiff receive compensation and benefits from Defendant MedQuest after she breached her fiduciary duty?

You must answer YES or NO.

Yes (for Defendants) _____ No (for Plaintiff) _____

If you answered YES to Question 4, proceed to Question 5. If you answered NO to Question 5, skip to signature page.

DAMAGES (IF ANY)

If you answered YES to 4, proceed to Question 5. Otherwise, proceed to signature page.

5. What amount of damages, if any, have Defendants proven by a preponderance of the evidence that they are entitled to receive because of Plaintiff's misappropriation and embezzlement of Defendant MedQuest's money? You should write "NONE" or indicate a dollar amount.

_____.

6. What is the first date of Plaintiff's disloyal act?
7. How much compensation did Plaintiff receive from Defendants since that date? You should write "NONE" or indicate a dollar amount?

_____.

Proceed to signature page.

PLAINTIFF PROPOSES THE FOLLOWING VERDICT SHEET FOR DEFENDANTS' COUNTERCLAIMS

1. Have Defendants proven by a preponderance of evidence that Ms. Conahan wrote checks made out to "cash" and without authorization from any of the Defendants, and then used those funds for her personal use?

Yes____ No____ VOTE:_____

If you answer Question 1 is "yes," then proceed to Question 2. If your answer to Question 1 is "no," then proceed to Question 3.

2. For each instance where you found by a preponderance of the evidence plaintiff wrote a check to "cash" without authorization from any of the Defendants, and then used those funds for her personal use, identify the check by the check number, date and amount, and then provide the total amount:

CHECK NUMBER	DATE	AMOUNT	VOTE:_____
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TOTAL:_____ VOTE:_____

Regardless of how you answer Question 2, proceed to Question 3.

3. Have Defendants proven by a preponderance of evidence that Ms. Conahan used TransitChek vouchers that were not intended for her use?

Yes____ No____ VOTE:_____

If you answered "no" to Question 1 AND to Question 3, then you have entered a verdict in plaintiff's favor on defendants' counterclaims, and you should end your deliberations on defendants' counterclaims. If you answered "yes" to Question 3, then proceed to Question 4.

4. For each instance where you found by a preponderance of the evidence plaintiff used TransitChek vouchers that were not intended for her use, identify the TransitChek voucher by the voucher number, date and amount, and then provide the total amount:

VOUCHER NUMBER	DATE	AMOUNT	VOTE:_____
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TOTAL:_____	VOTE:_____
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SIGNATURE PAGE

You have now reached the end of the jury verdict form and should review it to ensure it accurately reflects your determinations. You should then each sign and date the jury verdict form in the spaces below and the Foreperson should notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: